

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a Portion of Block 320, Vista Del Sol, Unit 66, El Paso County, Texas to provide service to the Marty Robbins Park Recreation Center located at 11600 Vista Del Sol Drive.

ADOPTED THIS 11TH DAY OF MAY, 2004.

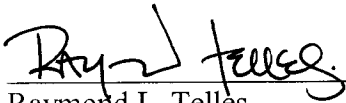
THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Raymond L. Telles
Assistant City Attorney

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

UNDERGROUND ELECTRICAL EASEMENT

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the City of El Paso grants unto El Paso Electric Company, its successors and assigns, the right, privilege and easement to enter upon and erect, construct, operate and maintain an underground system consisting of one (1) transformer (conventional or pad mount), ducts, conduits, fixtures, manholes, handholes, vaults, and other usual appurtenances pertaining thereto, and an underground crossing with all necessary wires pertaining thereto, with the right of ingress and egress thereto, for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, electric energy and power, for any and all purposes for which same is or may hereafter be used, over, upon, and along the following described premises in El Paso County, Texas, to wit:

A portion of Block 320, Vista Del Sol, Unit 66, El Paso County, Texas particularly shown on Attachment "A" attached hereto and incorporated herein for all purposes.

This easement shall be for the term of the El Paso Electric Company's franchise and any extension and renewal thereof by the City of El Paso. In accepting this easement, the Grantee agrees that upon request it will relocate any of its facilities located within the easement at no cost to the City of El Paso or its successors and assigns.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable and to the Grantor's satisfaction, landscaping, structures, and/or paving as disturbed by the Grantee's construction, maintenance or repairs of or to its facilities in and upon such easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted.

Grantor will not be held responsible for any damage to underground facility from excessive erosion due to flood run-off.

Should Grantee abandon easement then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the surface over the length and width of the Easement in accordance with applicable City Code provisions and reasonable maintenance standards.

WITNESS THE FOLLOWING SIGNATURES AND SEAL this 11th day of May, 2004.

THE CITY OF EL PASO

ATTEST:

Joe Wardy
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Raymond L. Telles
Assistant City Attorney

APPROVED AS TO CONTENT:

Irene D. Ramirez, R.E.
Interim City Engineer

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of May, 2004, by Joe Wardy, as Mayor of the City of El Paso.

Notary Public, State of Texas

(Signatures continue on following page)

The above instrument, together with all conditions thereto is hereby accepted this

_____ day of May, 2004.

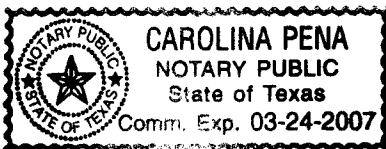
EL PASO ELECTRIC COMPANY

By: John A. Whitacre
Printed Name: John A. Whitacre
Title: Vice President T & D

ACKNOWLEDGMENT

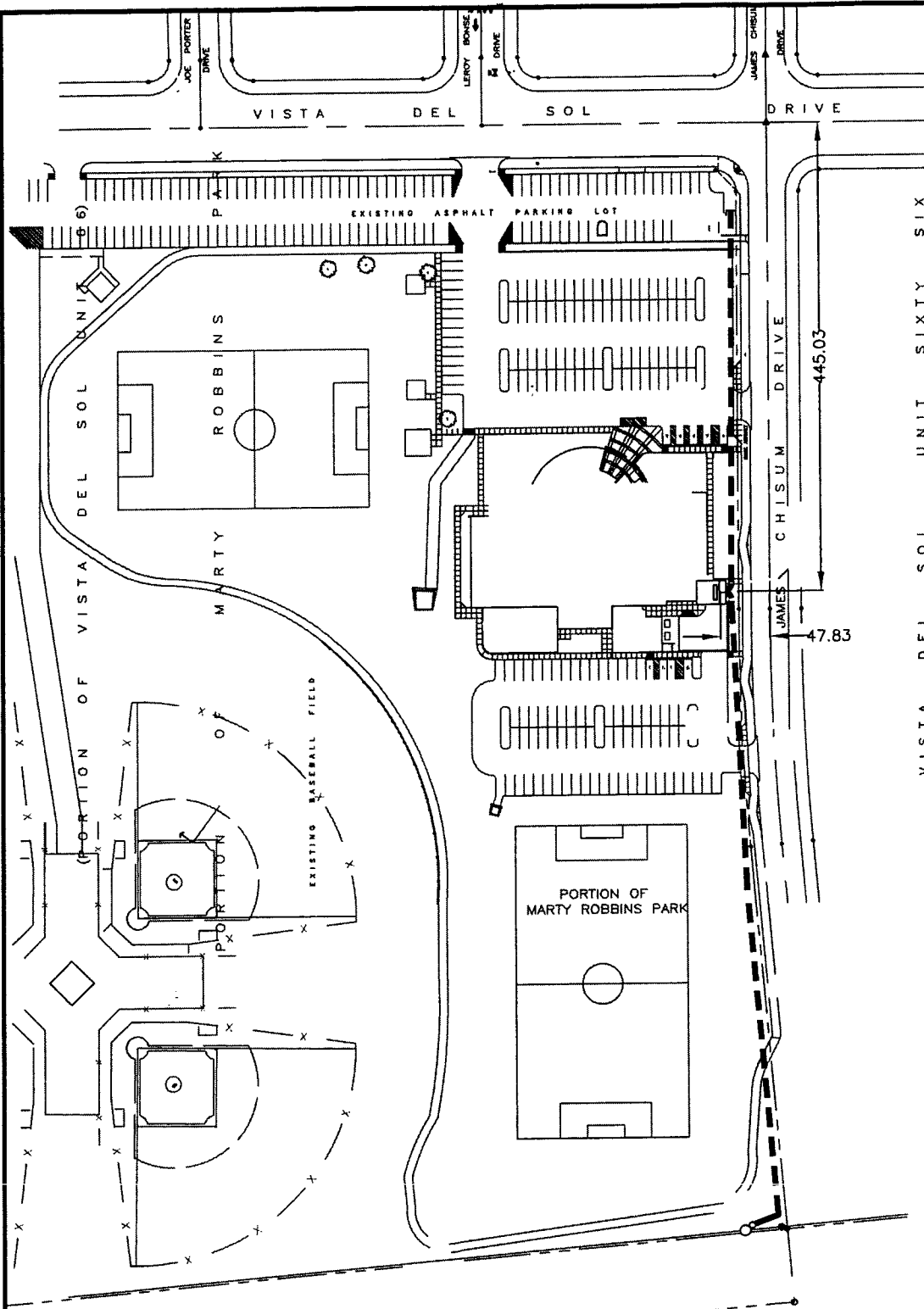
STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 6th day of May, 2004 by John A. Whitacre as VP. T & D, of the El Paso Electric Company, on behalf of the El Paso Electric Company, a Texas corporation.



Carolina Pena
Notary Public, State of Texas

EXHIBIT "A"



LEGEND

--- PROPOSED E.P.E. CO. 10 FT. UTIL. ESMT.



16' X 18' TRANSFORMER EASEMENT

GRANTORS INITIALS _____

Return to:
El Paso Electric Co.
P.O. Box 982-Loc 501
El Paso, TX. 79960

PROPOSED EASEMENT IN A PORTION OF
BLOCK 320
VISTA DEL SOL UNIT 66
EL PASO COUNTY, TEXAS

EL PASO ELECTRIC CO. R.O.W.

DATE 4-26-04

EST. NO.

SCALE NONE

04-7-1-70053